

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

HYSITRON INCORPORATED,
a Minnesota corporation,

Plaintiff,

v.

MTS SYSTEMS CORPORATION,
a Minnesota corporation,

Defendant.

Civil Action No. 07 CV 1533 ADM/AJB

**DECLARATION OF TODD S. WERNER IN SUPPORT OF OPPOSITION TO
DEFENDANT’S MOTION TO COMPEL DISCOVERY**

I, Todd S. Werner, hereby declare as follows:

1. I am an attorney with the law firm of Merchant & Gould, located in Minneapolis, Minnesota and represent Plaintiff Hysitron, Incorporated (“Hysitron”), in the above-captioned action. This declaration is respectfully submitted in support of Opposition to Defendant’s Motion to Compel Discovery.

2. Attached hereto as Exhibit A is a true and accurate copy of U.S. Patent No. 6,026,677.

3. Attached hereto as Exhibit B is a true and accurate copy of a letter dated September 25, 2007, from Matthew Spohn to Allen Hinderaker.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 7, 2007

By: *s/Todd S. Werner*
Todd S. Werner